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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,151	09/15/2000	Bradley J. Swearingen	1302-1001	2668

32376 7590 04/06/2005

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EXAMINER

SUBRAMANIAN, NARAYANSWAMY

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/663,151	SWEARINGEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Narayanswamy Subramanian	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to applicant's communications filed on November 26, 2004. The amendments to the specification made by the Applicants in their communication have been entered. Claims 1-66 are pending and have been examined. The rejections and response to arguments are stated below.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall (US Patent 5,774,878) in view of Korhammer et al (US Patent 6,278,982 B1) as discussed in paragraphs 3 and 4 of the last office action mailed on May 25, 2004

#### ***Response to Arguments***

4. In response to Applicant's argument that Marshall does not teach or suggest "user preferred securities" or an equivalent concept, the Examiner respectfully disagrees. For instance in Column 12 lines 25-35, Marshall discloses allowing a user to select any combination of financial instruments. The term "user preferred securities" is given its broadest possible interpretation to include securities selected by the user. The user can represent these selected instruments in one or more dimensional form called metaphors. Hence Marshall clearly teaches the limitation of "representing the user preferred securities in an N dimensional graph on a client system".

In response to Applicant's argument that Korhammer does not teach or suggest "associating order parameters with the selected user preferred security", the Examiner respectfully disagrees. For instance in Column 3 lines 44-47, Korhammer discloses order information is organized by security and sorted by price, volume and other attributes, all of which are order parameters. In Column 4 lines 8-11, Korhammer discloses that the analytical capabilities of their invention enables a customer to make various market decisions such as when and where to place orders. The term "order parameters" is given its broadest possible interpretation to include "when and where to place orders".

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Marshall and Korhammer are concerned with the problem of aiding a customer to view and analyze information about financial securities of interest to them. Hence it would have been obvious to one with ordinary skill in the art at the time of the current invention to include the teachings of Korhammer to the disclosure of Marshall. This would have helped the users make various market decisions, such as when and where to place orders after visualizing the relevant data.

In response to Applicant's argument that Korhammer does not teach or suggest "transmitting user specific criteria from the client system to the server system", the Examiner

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respectfully disagrees. For instance in Figure 1 Column 8 lines 1-25, Marshall discloses user using an interface module (client system) to provide instructions such as filter parameters to the virtual reality generator (server system). Further support for this limitation can also be found in Marshall Column 9 line 53 - Column 10 line 3.

In response to Applicant's argument that Marshall does not teach or suggest "designating N user specific parameters of the security data in the client system, wherein N is a positive integer", the Examiner respectfully disagrees. For instance in Column 10 lines 30-36, Marshall discloses this feature. The value of "N" includes integer 1 also.

In response to Applicant's argument that Korhammer does not teach or suggest "compliance analysis on the ordered trade", the Examiner respectfully disagrees. For instance in Column 12 lines 1-7, Korhammer discloses determining which ECNs the customer is a member and then routing the order appropriately. Also determining if an order is a market order or a limit order is compliance analysis because different SEC rules govern a limit order compared to a market order. For instance see Korhammer Column 3 lines 9-11.

In response to Applicant's argument that Korhammer does not teach or suggest "routing the order from the server system to a trade execution location based upon an execution method developed in the server system", the Examiner respectfully disagrees. For instance in Figure 7 and Column 11 lines 56- Column 12 line 30, Korhammer discloses the process for placing orders and routing those orders. The analytic system is a part of the server system. See also claims 13, 15 and 17 of Korhammer.

In response to Applicant's argument that Marshall does not teach or suggest "the step of parsing the security data into a predetermined number of security related factors", the Examiner

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respectfully disagrees. For instance in Column 12 lines 41-49, Marshall discloses this feature.

Filtering step in Marshall is interpreted to include parsing also.

In response to Applicant's argument that Marshall does not teach or suggest "graphically displaying the user preferred securities in a graph having at least 3 dimensions", the Examiner respectfully disagrees. For instance in Column 3 lines 55-61, Marshall discloses this feature. Displaying information in three-dimensional form is interpreted to include graphically displaying the user-preferred securities in a graph having at least 3 dimensions.

Applicants other arguments have been fully considered but are not persuasive. Hence the rejections made in the last office action are maintained by the Examiner.

#### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is

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(703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065. The fax phone number for the Patent Office where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

N. Subramanian  
March 31, 2005

  
Jagdish N. Patel  
Primary Examiner

4/4/05